

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 3/24/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CURTIS MCDANIEL,

Plaintiff,

- against -

THE PEOPLE OF THE CITY OF NEW YORK,
et al.,

Defendants.
-----X

19-CV-11265 (AT) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court is in receipt of Plaintiff's letter (Dkt. 29) expressing lack of understanding as to this Court's February 26, 2021 Order (Dkt. 28), which required him to file a Third Amended Complaint omitting all allegations pertaining to claims arising out of his arrest in 2019, which is the subject of a different action in this District (20-CV-2832). This Court's February 26, 2021 Order is consistent with Judge Stanton's motion to dismiss decision, which expressly dismissed from the instant action all claims arising out of Plaintiff's March 2019 arrest, without prejudice to pursuing those claims in 20-CV-2832. (Dkt. 13 at 9-10.) This Court's February 26, 2021 Order was clear as to what Plaintiff needed to do to file a properly amended complaint: "Plaintiff is directed to file a Third Amended Complaint that removes any allegations pertaining to conditions or events related to his arrest in 2019. Plaintiff may do so by striking out the relevant material [i.e., allegations of conditions or events relating to his 2019 arrest] from his Second Amended Complaint and then refile that document as his Third Amended Complaint." (Dkt. 28 at 1.) The Court gave Plaintiff a deadline of April 15, 2021, for doing so. Having now reiterated what Plaintiff must do to comply, the Court sua sponte extends Plaintiff's deadline for filing the Third Amended

Complaint to **April 30, 2021**. Failure to comply may result in dismissal of the case for failure to prosecute.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 24, 2021
New York, New York

Copies transmitted this date to all counsel of record. The Clerk's Office is directed to mail a copy of this Order to Plaintiff pro se and note service on the docket:

Curtis McDaniel
20-A-0242
Bare Hill Correctional Facility
181 Brand Rd.
Malone, NY 12953